

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN SOLOMON

Plaintiff,

vs.

9:09-CV-0367 (NAM/DRH)

BRIAN FISCHER, *Commissioner, Department
of Correctional Services*; and DARWIN
LaCLAIR, *Superintendent, Franklin Correctional
Facility*,

Defendants.

APPEARANCES:

OF COUNSEL:

Bryan L. Ruple
08-B-4050
Wyoming Correctional Facility
P.O. Box 501
Attica, NY 14011
Plaintiff, *Pro Se*

Hon. Andrew M. Cuomo
Attorney General for the State of New York
The Capitol
Albany, New York 12224-0341
Attorney for Defendants

Justin C. Levin, Esq.
Assistant Attorney General

Norman A. Mordue, Chief U. S. District Judge

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed on the 21st day of July 2010. Following fourteen days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendants' motion to dismiss (Dkt. No. 19) is granted and the complaint is dismissed in its entirety. The Clerk shall enter judgment accordingly.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: August 11, 2010
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge